

If You Liked "The Spoilers" You Will Revel in This—It Is Better Than "The Spoilers"

THE BARRIER By Rex Beach

A Thrilling Romance—The Best Story of the Year—Begin It in The Evening World To-Day

WEATHER—Unsettled, with fog, to-night and Tuesday.

FINAL RESULTS EDITION

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The EVENING EDITION World.

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FINAL RESULTS EDITION.

GREEN EDITION

THORNTON HAINS, ON STAND, DENIES CHARGES MADE BY STATE WITNESSES

With Dramatic Effect He Recites to Jury the Story on Strength of Which He Hopes to Escape the Chair.

DREW HIS PISTOL ONLY TO PROTECT BROTHER, HE SAYS.

Widow of Slain Man Hears Him Swear That He Never Threatened Her or Pointed His Gun at Any One on Yacht Ficat.

Thornton Jenkins Hains, the novelist and ex-sailing master, took the stand as a witness in his own behalf in his trial for murder at Flushing this afternoon, with the purpose, if the promises of his lawyers might be relied upon, of denying all guilty knowledge of the killing of William E. Annis by his brother, Capt. Peter Hains, of the regular army, at the Bayside Yacht Club last August.

Old Gen. Peter Hains, the aged father, had just finished his testimony, when John F. McIntyre, chief counsel for the defense, motioned to his client, sitting pale and quiet at his side, to go to the witness chair. The biggest moment of the big murder trial had come—a bigger moment even than when the dead man's widow told her story, for when all is said and done it is about Thornton Hains' dominant personality that the tragedy has focused since the very first.

Hains, small, stocky, eagle-nosed, and shifty of eye, shoved his way through the rows of reporters came around behind the jury box, stepping briskly. He took the oath with complete self-possession, his uplifted hand perfectly steady, and then slipped into the oaken chair with a movement as stealthy, almost, as that of a cat.

His Bravado Accentuated.

That touch of the bravo which is never entirely absent from this man's manner seemed accentuated. He looked as if he actually might have anticipations of a pleasant nature regarding the ordeal that lay before him, for every eye in the crowded room was upon him and every ear listening for what he might have to say, and that is what Thornton Hains loves with a greedy love, if one may judge from his conduct since the case opened before Supreme Court Judge Crane at Flushing's old town hall. To the clerk he gave his residence as Bay Ridge.

"How old are you?" began McIntyre. "I was forty-three on the 12th of November," he answered in an easy conversational tone, clipping his words off rather closely at the ends.

"I was born at my grandfather's home in Washington," he went on answering more questions. "I was married in 1896 to a girl named Mary Jones, of Brooklyn. She died three years ago leaving one child, also named Mary. I have been an inspector on Government contracts and I have also followed the sea. I went to sea in 1870 at the age of twelve, and served four years learning a seaman's routine duty. At different times since I have been to sea, as mate and master, and I have a master's license. I am known along the American coast and in foreign countries as Capt. Jenkins Hains. My private name is T. Jenkins Hains. Since 1891 I have earned my living writing. I have written a dozen books and have also written for every magazine published in the English language. Some of my stories have been translated into other languages."

"Have you seen much of your brother Peter in your life?" "No, on account of our different modes of life I have seen very little of him, but after he went to Fort Hamilton I saw a good deal of him, because by house was ten blocks from the fort."

"You loved your brother Peter?" "I loved him very much," said the witness before the District Attorney could get in his objection.

"Did you see Peter when he sailed for the Philippines in October, 1907?" "Yes, I saw him off."

"When next did you see him?" "On the last Sunday in May of 1908, I was asleep in my room when I heard a crash at my door. As I leaped from bed a man burst in. It was my brother Peter. He was waving his hands above his head like a madman, a dramatic illustration—no, (see second page) about

Thornton Hains on Stand Telling of Events That Led to Annis Murder



DEVIL IS SET FREE IN COURT WHEN HE PROVES HE'S GOOD

Even His Red Hot Poker and Alleged Popping Up From Lower Regions Are Forgiven When It Is Learned He's a Properly Named Janitor

Justices Wyatt, Zeller and Olmsted had a devil before them in the Court of Special Sessions today, charged with the felonious employment of a red-hot poker. His first name is Joseph and he is janitor of the apartment-house at No. 43 West One Hundred and Sixty-fourth street.

Lorenzo Zimbo, of No. 43 West One Hundred and Sixty-fourth street, appeared as complainant. "I was passing this man Devil's house," declared Zimbo, "when he comes out of the basement with a red-hot poker in his hand, leaps upon me and screeches me all over my body."

"And what has the Devil to say for himself?" asked Justice Zeller, who, with his fellow Justices, was shaking with amusement.

Tears were streaming down the pale, whiskered cheeks of the prisoner as he replied.

"Your Honor, I was set upon by this man Zimbo, another man named Zimbo, and a third man I didn't know. They were beating me to death when I run down my collar and get a poker. The poker was hot and they ran away pretty quick. Oh, Judge, I am a good man."

"Well, Mr. Devil," said Justice Zeller, "we are inclined to believe that you were somewhat provoked, and it would seem that a man of your name was entitled to use a flaming poker or something of that sort in his own defense. Wherever you are discharged. Take warning, however, that the best place for that poker is down in the basement, where you control the destinies of your humble tenants."

With a little shriek of joy Devil fled away from the courtroom and into the arms of Mrs. Devil and sundry small devils who awaited him in the corridor.

80-CENT GAS UPHELD BY HIGHEST COURT

Monopoly's New Year's Gift to Manhattan

There is due to the people of Manhattan and the Bronx from the Consolidated and other gas companies more than \$10,000,000 in rebates—20 per cent. of what they have been paying for gas since May 1, 1906. Of this sum there is in the hands of United States Commissioner Shields the total of \$9,328,770, including interest. The Consolidated Gas Company, which has been holding out since last October, owes the rest.

The money held by Commissioner Shields is deposited in the following national banks:

Citizens	\$1,376,442
Hanover	1,390,496
Commerce	1,384,720
Merchants	1,360,785
City	1,335,582
Seaboard	1,380,745
Importers and Traders	700,000
Total	\$8,928,770
Estimated interest	400,000
Estimated grand total	\$9,328,770

This great sum will soon be distributed to the consumers of gas who have held their receipts since May 1, 1906. Have you held yours?

POLICEMEN SAVE SCHOOL CHILDREN ON BROADWAY

One Dragged From Under Horse's Hoofs and Several Pushed to Sidewalk.

Persons on Broadway in the neighborhood of Forty-second street at noon today saw the lives of a score of children saved by the quickness and nerve of two policemen.

As John Harper, who lives at No. 179 Brunswick street, Brooklyn, was rounding his hansom from Forty-second street into Broadway a trolley car cut off his progress and headed him in toward the curb. Along came an automobile at a rapid pace and the horse reared on his hind legs and tried to beat the radiator off with his forehead. Harper pulled the beast's head round to the side and the automobile butted the cab and slung it ten feet.

Ticklish Terry, the horse, leaned forward in the shafts, looked for an opening and bucked the centre of Broadway traffic with long swinging bounds. Harper saved on the bit to no purpose. Public School No. 67, which is east of Broadway on Forty-fifth street, had just turned its throng of children out for the noon recess. Double lines of them were streaming across the street. Policeman Bufford, on his cross-walk, leaped over, spread his arms and with a rush swept thirty children back as though they had been feathers before a broom. Policeman Lavery did the same. But one little girl, Florence Latham, of No. 30 West Fifty-second street, didn't understand. She slipped and jumped after her, catching her dress just as she fell under the horse's heels. One wheel of the cab brushed against her, but Bufford threw her back nearly to the sidewalk. She was only slightly bruised and scared and did not need the attendance of a surgeon.

The runaway went on up Broadway until at Forty-seventh street it smashed into a milk wagon which keeled over with a mighty crash of bottles and rattling of cans. The cab went down in a heap. Harper was thrown to the ground violently. He was carried into a nearby drug store unconscious.

Persons suffering from epilepsy should write at once to Branch 3, Dr. Kline Institute, No. 931 Arch street, Philadelphia, Pa., for a supply of the remedy, which is being distributed gratuitously.

STOCKS TUMBLE AS COURT RULES FOR 80-CENT GAS

Consolidated Drops More Than 23 Points and Other Stocks Follow.

The stock market had an emotional half hour this afternoon that paralleled for excitement the wildest times that have been seen on the New York Exchange. The decision in the 80-cent Gas case struck into the midst of trading with the violence of an earth shock, turning the course of business topsy-turvy and precipitating a tremendous rush to unload Gas securities.

As if disposing of red hot bricks that scorched their hands, the brokers tossed down bundles of Consolidated Gas stock in huge blocks, hammering the price down in one and two-point recessions until the price had slumped from 165 1/4 to 132.

The unloading of Gas continued for half an hour, with all stocks more or less affected by the decline, until an order suddenly announced of the United States Supreme Court's decision refusing the application of the Government to re-submit the Standard Oil case involving the \$20,000,000 fine came as a steady wedge to prevent further collapses.

The reckless selling of Gas ceased immediately after the announcement of the Standard Oil decision, and there was a rebound of 7 points. Gas rose stiffly after the market steadied, but little was sold above 144 1/4.

As an illustration of how little linking the traders had of the nature of the Gas decision Consolidated Gas opened at 141 1/4 and was selling at 145 1/4 when the crash came.

During the violent decline in Gas there was general sympathetic selling. Union Pacific sold off 4 points and Southern Pacific 3 points. Northern Pacific declined 2 1/4 points. New York Central, 4; Copper, 2 1/2; Great Northern preferred, 2; Louisville and Nashville, 2; Reading, 3 1/4; and St. Paul, 2 1/2. There came the convulsive rebound. The recovery was aided by the scramble of the bears to cover their short contracts. The rebound in Gas reached over 10 points and in Reading 3.

ROOSEVELT APPOINTS TWO NEW MINISTERS.

WASHINGTON, Jan. 4.—The President today sent to the Senate today the following nominations: Envoys Extraordinary and Ministers Plenipotentiary, Huntington Wilson, of Illinois, to the Argentine Republic; Spencer P. Edly, of Illinois, to Roumania; and Servio and Diplomatic Agent in Bulgaria, Third Secretary of Embassy at Paris, Seth Lee Percurrent, of Connecticut.

Consul General, Allan G. Snyder, of West Virginia, at Panama, Panama, Richard M. Bartleman, of Massachusetts, at Buenos Ayres, Argentine Republic.

Colonel, retired, to be brigadier general, John D. C. Hopkins.

Supreme Tribunal of the United States Gives the Lighting Monopoly In New York a Knock-Out Blow By Sustaining Law.

GAS COMPANIES MUST PAY BACK MORE THAN \$10,000,000

Trust Lawyers Staggered by the Court Decision Which Crowns With Victory the Evening World's Long Fight for the Public.

The Eighty-Cent Gas bill was declared constitutional in a decision handed down by the United States Supreme Court in Washington this afternoon, and The Evening World scored another victory for the people. Sifted down, this is the effect of the decision:

The 80-Cent Gas bill has been constitutional ever since the moment of its passage, and is constitutional to-day.

The legal price of gas in this city since May 1, 1906, has been 80 cents per thousand feet, and no gas company has any right to charge more.

The Consolidated and other gas companies must refund the 20 per cent. excess they have been collecting, amounting now to \$10,000,000, and must render their bills hereafter at the 80-cent rate.

But the Consolidated Gas Company is granted the right to go into court and prove—if such proof be possible of production—that 80 cents per thousand feet is a confiscatory rate for gas in this city.

In other words, the burden of proof is shifted from the people to the gas monopoly. The Consolidated and its associates must prove by actual tests that 80 cents per thousand feet is not a rate to allow a fair return upon the investment.

News of the decision of the United States Supreme Court jolted the stock exchange like an earthquake shortly after noon. The Consolidated Gas stock slumped 23 1/2 points and other stocks declined from 3 to 4 points in sympathy.

Lawyers Are Puzzled.

The learned lawyers for the gas monopoly foregathered in their upholstered Wall street offices and ran about in various circles uttering loud cries, of which the following from Charles T. Mathewson is a sample:

"It is impossible for us to arrive at any definite conclusion as to what the Supreme Court has really held until we get the full text of the decision. As I understand it from the very brief reports of the decision as given by the ticker and telegraph dispatches, it appears that the Court sustained our right to earn 8 per cent. on our investment, and has also sustained the fixed valuation of the franchises at about \$7,000,000, which was the amount the company paid for the various franchises at the time of the consolidation. Inasmuch as the bill of complaint was dismissed without prejudice, it might mean that the company would begin a new suit to determine its earning capacity."

The original valuation of the gas franchises was held by the gas company to be \$2,000,000, the amount at which they were taxed by the State. Judge Hughes cut this down to \$7,000,000, which was considered to have been raised to \$12,000,000 by the natural increase in the value of the franchises since the consolidation.

Cannot Capitalize Franchise.

The decision is one of the most important ever made on a case involving corporations, because it destroys the contention of the Consolidated Gas Company that a public service corporation can capitalize franchises which cost it nothing and can utilize the increased valuation of these franchises, due to the growth of the community, as an additional interest earning asset. The franchises of a public service corporation, by this decision, are valued at just what they cost, and they cannot be held in the same light as capital stock or tangible assets.

When the whole matter is sifted down finally through the courts it will be found that New York will enjoy 80-cent gas. The gas companies of Brooklyn, foreseeing the inevitable, have been charging only 90 cents ever since the law was passed by the Legislature. The Manhattan gas companies, in combination, have been collecting 11 per thousand feet, but impounding the difference between 11 and 90 cents with United States Commissioner Shields, who has deposited on interest.

\$9,000,000 to Be Paid Back.

More than \$9,000,000 of the money of the people of Manhattan is thus tied up. The distribution of this vast sum to the hundreds of thousands who have paid it in will be a gigantic task. Further legal action will be necessary to establish the legal status of those who have failed to preserve their gas bills.

In the absence of the complete decision Judge Alton B. Parker, Assistant Corporation Counsel Burr and Edward B. Whitney, who so ably argued the case for the city up to and in the United States Court could not enter into any detailed discussion of it this afternoon. But they all agreed that it was a great victory for the city and the people of the city.

The Evening World modestly claims a large slice of the credit for this victory over a greedy corporation—perhaps the most important ever won by

the people of the city.